

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

NOEL MANGAN,

Petitioner,

v.

Case No. 3:15-cv-45

TERRY TIBBALS, Warden,

London Correctional Institution,

Respondent.

JUDGE WALTER H. RICE

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S UNOPPOSED REPORT AND RECOMMENDATIONS (DOC.  
#14); DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (DOC.  
#1) WITH PREJUDICE; JUDGMENT TO ENTER IN FAVOR OF  
RESPONDENT AND AGAINST PETITIONER; DENYING CERTIFICATE  
OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA PAUPERIS*;  
TERMINATION ENTRY

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Based on the reasoning and citations of authority set forth by United States  
Magistrate Judge Michael R. Merz, in his August 7, 2015, Report and  
Recommendations, Doc. #14, as well as on a thorough *de novo* review of this  
Court's file and the applicable law, the Court ADOPTS said judicial filing in its  
entirety. The Court notes that, although the parties were notified of their right to  
file Objections to the Report and Recommendations, and of the consequences of  
failing to do so, no Objections have been filed within the time allotted.

For the reasons articulated by Magistrate Judge Merz, the Petition for a Writ of Habeas Corpus, Doc. #1, is DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 1, 2015

  
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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE